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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/572,860

03/22/2006

David C. Skee

1595WO/US

3653

24289

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06/04/2009

Mallinckrodt Inc.
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EXAMINER

WEBB, GREGORY E

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

06/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/572,860	Applicant(s) SKEE, DAVID C.	
	Examiner Gregory E. Webb	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-7,10,13,19,20,25,26,29-31,34,37,41,43 and 44 is/are pending in the application.
- 4a) Of the above claim(s) 25,26,29-31,34,37,41,43 and 44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,10,13 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/1/2009 have been fully considered but they are not persuasive.
2. The applicant argues that the examiner has not provided sufficient technical support for the restriction. The applicant argues that the compositions of claim 1 could not be used in other processes. However, as can be seen by the references cited below, a composition containing the base and metal halide can be used in processes beyond cleaning integrated circuits. Therefore, the restriction is maintained.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 2, 5-7, 10, 13, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Schindler (US 4,704,212).

Concerning the dihydrogen hexafluorosilicate, claimed base, and hydrogen peroxide, Schindler, Norbert teaches the following:

In a first embodiment, therefore, the present invention relates to liquid aftertreatment preparations for laundry having fabric-softening, acidifying and antichlorinating properties and containing, in acidified aqueous solution, **hydrogen peroxide** or an organic percarboxylic acid, stabilizers for peroxy compounds, fabric-softening **quaternary** ammonium compounds and acidifying agents and, if desired, other standard additives. The new aftertreatment preparations according to the invention contain **hexafluorosilicic** acid and/or water-soluble salts thereof as an acidifying agent. The amount of **hexafluorosilicic** acid and/or water-soluble salts thereof in the aftertreatment preparation preferably amounts to between 1 and 25% by weight and, more particularly, to between 5 and 20% by weight. In one important embodiment of the

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invention, the **hexafluorosilicic** acid or its salts are the sole or predominant acidifying constituent of the aftertreatment preparation, it being preferred in this case, too, to adjust pH-values to no higher than 4 in the aqueous aftertreatment preparation. Suitable water-soluble salts of **hexafluorosilicic** acid are, for example, corresponding salts of the elements of the first to third group of the periodic system, the ammonium salt of **hexafluorosilicic** acid and the corresponding water-soluble amine and/or **quaternary** ammonium salt. The water-soluble amine salts are preferably monoalkyl or dialkyl amines in which the alkyl groups are C.sub.1 -C.sub.6 straight or branched chain alkyl groups, such as methyl amine, ethyl amine, propyl amine, dimethyl amine, diethylamine, etc. The **quaternary** ammonium salts are preferably those formed from C.sub.1 - C.sub.6 trialkylamines.

5. Claims 1, 2, 5-7, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaupp (US 3,923,962).

6. Schaupp teaches an apparatus for reacting ammonium hydroxide with hexafluorosilicic acid. The specific conditions of this reaction can be seen in example 1 where dihydrogen hexafluorosilicate is reacted with ammonium hydroxide gas.

7. Claims 1, 2, 5-7, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bansemir (DE 3444055A).

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8. Bansemir teaches compositions containing hexafluoric acid, hydrogen peroxide as well as quaternary ammonium compounds. On page 7, lines 5-26, Bansemir teaches various suitable quaternary ammonium compounds.

9. Claims 1, 2, 5-7, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Belyakova (SU 1641773).

10. Belyakova teaches a composition containing 18-26% hexafluorosilicic acid mixed with aqueous ammonium hydroxide.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 571-272-1325. The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory E. Webb/
Primary Examiner, Art Unit 1796

Gregory E. Webb
Primary Examiner
Art Unit 1796

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